

REMARKS

Reconsideration of the above-identified application in view of the present amendment is respectfully requested. Claims 1 and 3 have been amended and claims 11-15 have been added.

Claim 3 has been amended to more clearly define the "raspberry effect". Claims 1-2 and 4-5 stand rejected under 35 U.S.C. 102(b) as being unpatentable over Porthouse et al. (U.S. Patent No. 2,269,223) or Goodson (U.S. Patent No. 2,443,560).

Claim 1 as amended recites a cap for a baby's beverage bottle. The cap comprises a passage through which beverage in the bottle may flow from the bottle. A first flexible elastic portion deformable by the baby's mouth and surrounding the passage and through which passage a baby can suck beverage. A second flexible elastic portion which clamping engages the beverage bottle to hold the cap on the bottle. The second portion being threadless. The second portion stretching and then relaxing to clamping engage the beverage bottle and to hold said cap on said bottle. A pair of manually engageable pull tabs to pull the second portion onto the bottle and stretch the second portion. The pull tab extending in a downward and outward direction with respect to the second portion. Neither Porthouse nor Goodson or any of the other prior art disclose or suggest the features of claim 1. Thus, claim 1 is allowable.

Claim 2, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional

feature that the elastic material is selected from the group consisting of: rubber, latex and silicon. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 2 is allowable.

Claim 3, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the first portion has an outer surface having a texture that simulates the surface texture of a human nipple. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 3 is allowable.

Claim 4, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the entire cap is made of the elastic material. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 4 is allowable.

Claim 5, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the second portion has a circumferential inner surface and a stop member extending perpendicularly from the inner surface. The stop member abuts a lip of the beverage bottle when the second portion is stretched over the beverage bottle. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 5 is allowable.

Claim 6, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional

feature that the first portion includes a bulbous terminal end with an opening. A plurality of ribs and a frustum portion extends from the ribs. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 6 is allowable.

Claim 7, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the first portion includes a terminal end with a tip having at least one aperture and a bellows located between the terminal end and a frustum portion. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 7 is allowable.

Claim 8, which depends from claim 7, should be allowed for the same reasons as claim 7 and also for the additional feature that the bellows is movable from an extended position and a retracted position and permits relative movement between the terminal end portion and the frustum portion. None of the prior art discloses or suggests this feature and including all of the limitations of claim 7. Therefore, claim 8 is allowable.

Claim 9, which depends from claim 7, should be allowed for the same reasons as claim 7 and also for the additional feature that the tip includes a plurality of apertures. None of the prior art discloses or suggests this feature and including all of the limitations of claim 7. Therefore, claim 9 is allowable.

Claim 10, which depends from claim 7, should be allowed for the same reasons as claim 10 and also for the additional

feature that the terminal end includes first and second tapering outer surfaces extending on opposite sides from each other. The first and second tapering surfaces being separated by curved surfaces so that the terminal end has an approximately oval cross section. None of the prior art discloses or suggests this feature and including all of the limitations of claim 7. Therefore, claim 10 is allowable.

Claim 11, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the pull tab has a smooth surface. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 11 is allowable.

Claim 12, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the second portion has a relatively thin cross section. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 12 is allowable.

Claim 13, which depends from claim 1, should be allowed for the same reasons as claim 1 and also for the additional feature that the first portion includes a bulbous terminal end with an opening. A plurality of ribs and a frustum portion extending from the ribs. The ribs providing an area for the lips of a user to engage. None of the prior art discloses or suggests this feature and including all of the limitations of claim 1. Therefore, claim 13 is allowable.

Claim 14 has been added which defines over the prior art and should also be allowed. Claim 14 recites a cap for a baby's beverage bottle. The cap comprises a passage through which beverage in the bottle may flow from the bottle. A first flexible elastic portion deformable by the baby's mouth surrounding the passage and through which passage a baby can suck beverage. A second flexible passage portion which clamping engages the beverage bottle to hold the cap on the bottle. The second portion being threadless. The second portion stretching and then relaxing to clamping engage the beverage bottle and to hold the cap on said bottle.

The second portion has a circumferential inner surface and a stop member extending perpendicularly from the inner surface. The stop member abutting a lip of the beverage bottle when the second portion is stretched over the beverage bottle. A plurality of manually engageable pull tabs spaced circumferentially around the second portion to pull the second portion onto the bottle while the second portion stretches. Each of the pull tabs extends in a downward and outward direction with respect to the second portion and each of the pull tabs has a smooth surface. None of the prior art discloses or suggests the features of claim 14. Therefore, claim 14 is allowable.


In view of the foregoing, it is respectfully submitted that the above-identified application is in condition for allowance, and allowance of the above-identified application is respectfully requested.

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Please charge any deficiency or credit any overpayment in  
the fees for this amendment to our Deposit Account

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Respectfully submitted,

  
THOMAS L. TAROLLI  
Reg. No. 20,177

TAROLLI, SUNDHEIM, COVELL,  
& TUMMINO L.L.P.  
526 Superior Avenue, Suite 1111  
Cleveland, Ohio 44114-1400  
Phone: (216) 621-2234  
Fax: (216) 621-4072  
Customer No.: 26,294